



Journal of the Senate

Number 7—Regular Session

Tuesday, March 22, 2005

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[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President Lee at 9:18 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Dawson

PRAYER

The following prayer was offered by the Rev. James Golden, Ward Temple African Methodist Episcopal Church, Bradenton:

Dear Heavenly Father, for the winter of our discontent that has ended and for the season of spring that has sprung, we thank you. For the second day of this wonderful season of renewal, restoration, and reflection, we thank you.

For your power that lifted the sun from beyond the horizon this morning and directed its rays to scatter the moon and stars and the long, dark night into nothingness, we thank you.

For your goodness that awakened each of us from last night's slumber from what could have been an endless sleep, we thank you. For your mercy that did not make our beds our cooling boards and our bedsheets our winding clothes, we thank you. For your grace that has allowed us the full use and activities of our mind, and limbs for one more day, we thank you.

For your glory that has moved across the threshold of our minds and the altars of our hearts, and has turned us toward public duty and service at this hour, in this place, we thank you. For your righteousness that has stirred our collective conscience and our individual wills, and that has given us another opportunity to be a part of the uplifting and upbuilding of your kingdom on earth as it is in heaven, we thank you.

Now Father God Almighty, our maker, our sustainer, our provider, our rewarder, the wellspring of our being: For our unkind thoughts, unkind words, and unkind acts, forgive us. For our ill temper, ill will, and illogic, forgive us.

For our pride, prejudice, and pettiness, forgive us. For our insolence, ignorance, and indifference, forgive us. For our weakness, willfulness, and wickedness, forgive us.

And Father God, before we close this prayer and come forth from our prayer closets to go about this day's work, we are so pleased to ask you to clothe us with truth in our words, clothe us with wisdom in our deliberations, clothe us with integrity in our dealings, clothe us with fidelity in our promises, clothe us with humility in our victories, clothe us with patience in our defeats, and clothe us with cooperation in our efforts.

A charge to keep we have,

A God to glorify,

A never-dying soul to save,

And fit it for the sky.

To serve the present age,

Our calling to fulfill;

O may it all our powers engage

To do our God's will. Amen.

PLEDGE

Senate Pages Skyler Ansel of Hollywood; Lauren Klein, daughter of Senator Klein of Boca Raton; Amy Atwater, daughter of Senator Atwater of North Palm Beach; and Katharine "Katie" Villalobos, daughter of Senator Villalobos of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Paul Shirley of Jacksonville, sponsored by Senator King, as doctor of the day. Dr. Shirley specializes in Orthopaedics.

ADOPTION OF RESOLUTIONS

On motion by Senator Haridopolos—

By Senators Haridopolos, Fasano, Lee, Alexander, Argenziano, Aronberg, Atwater, Baker, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Crist, Diaz de la Portilla, Dockery, Garcia, Geller, Hill, Jones, King, Klein, Lawson, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Rich, Saunders, Sebesta, Siplin, Smith, Villalobos, Webster, Wilson and Wise—

SR 1066—A resolution recognizing February 6, 2005, as "Ronald Reagan Day" in Florida.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, and corporate spokesman, and was elected Governor of California and President of the United States, and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America and was elected to his second term by 3/5 of the electorate and by 49 of the 50 states, a record unsurpassed in the history of American presidential elections, and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation that was shackled by rampant inflation and high unemployment, and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to the Federal Government, which led to an unprecedented economic expansion and opportunity for millions of Americans, and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped to lower crime and reduce drug use in our neighborhoods, and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world, and prepared America's Armed Forces to meet the challenges of the 21st Century, and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people, and

WHEREAS, February 6, 2005, will be the 94th anniversary of Ronald Reagan's birth, and the first anniversary since his passing, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to honor the memory and accomplishments of President Ronald Wilson Reagan and to recognize February 6, 2005, as "Ronald Reagan Day" in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Haridopolos, **SR 1066** was read the second time in full and adopted.

On motion by Senator Dockery—

By Senators Dockery and Bullard—

SR 2654—A resolution recognizing March 22, 2005, as "Florida Film and Television Production Industry Day."

WHEREAS, the film and entertainment industry employs more than 42,000 Floridians, and

WHEREAS, in 2002, sales generated from film and video production alone reached more than \$1.16 billion, employing a total of 10,083 Floridians in more than 1,554 firms, and

WHEREAS, from 1995 to 2001, Florida employment in film and video production grew by a compound annual rate of 11.7 percent, wages grew by a compound annual rate of 14.1 percent, and units of employment grew by 7.6 percent, and

WHEREAS, at the end of 2003, Florida ranked first in the nation for Spanish-language film and television production, and third in the nation for location production, and

WHEREAS, television and cable constitute Florida's largest production industry at 47 percent, followed by motion picture and video at 24 percent, and

WHEREAS, in 2002, 17 national cable networks were headquartered in Florida, including two of the largest Spanish-language networks in the world, Telemundo and Univision, and

WHEREAS, the leading source of revenue generated by Florida's film and video production industry is commercial production, with 33 percent of revenue produced in that sector, and

WHEREAS, Florida averages more than 100,000 hotel room nights booked per year as a result of production at Florida locations, and

WHEREAS, there are 21 full-service local film commission offices and 34 local film commission liaisons in Florida and more than 51 studios and sound stages across the state which work in partnership with the Governor's Office of Film and Entertainment to promote Florida's indus-

try infrastructure and locations at the state, national, and international level, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Tuesday, March 22, 2005, is recognized as "Florida Film and Television Production Industry Day" at the Florida State Capitol.

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 2654** was read the second time in full and adopted.

At the request of Senator Margolis—

By Senator Margolis—

SR 1588—A resolution commending the work of the Endometriosis Research Center and recognizing March 2005 as Endometriosis Awareness Month.

WHEREAS, endometriosis, a condition involving abnormal uterine cell growth, affects more women than does breast cancer, striking more than 5.5 million teens and women in the United States alone and nearly 70 million worldwide, and

WHEREAS, studies have shown an elevated risk of certain cancers and autoimmune diseases in endometriosis patients, and endometriosis is a leading cause of female infertility and hysterectomy, and

WHEREAS, endometriosis may have a debilitating impact on a woman's life and her relationships, in some cases rendering her unable to work, to care for herself or her family, or to go about her normal routines, and

WHEREAS, there is currently no definitive cure for endometriosis, and

WHEREAS, the Endometriosis Research Center is a nonprofit organization founded in 1997 to address the needs of the international community of individuals who suffer from endometriosis and to improve the quality of life for those with the disease through education and support programs, and

WHEREAS, the Endometriosis Research Center works to raise awareness about endometriosis throughout the medical and lay communities and raises funds to facilitate and promote research for effective treatments and, ultimately, a cure for the disease, and

WHEREAS, in observance of the anniversary of the Endometriosis Research Center, events and activities, including ERC Casual Days, are held annually during the month of March in an effort to educate the public about the significance of this disease, to support and assist women living with the disease, and to raise funds for the organization's efforts, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to commend the worthy efforts of the Endometriosis Research Center and to recognize March 2005 as Endometriosis Awareness Month.

—**SR 1588** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 1754—A resolution honoring Stetson University and recognizing March 16, 2005, as "Stetson University Day."

WHEREAS, Florida's first private university was founded in 1883 as DeLand Academy by Henry A. DeLand, a New York businessman, and

WHEREAS, in 1887, the Legislature of the State of Florida enacted the Charter of DeLand University as an independent institution of higher learning, and

WHEREAS, the university's name was changed in 1889 to honor John B. Stetson, the nationally known hat manufacturer who generously gave

of his time and means to advance the quality and reputation of the institution, and

WHEREAS, Stetson University's mission of "commitment to values," carried forward on four campuses across the state, is a way of life for its students, making the institution a nationally recognized leader in education with a commitment to social responsibility, and

WHEREAS, Stetson University proudly boasts 192 full-time faculty members on the DeLand campus, 84 percent of whom hold Ph.D. or equivalent degrees, teaching undergraduate classes with a student/faculty ratio of 12-to-1, and

WHEREAS, Stetson University provides more than 60 majors and minors to approximately 3,500 students representing 42 states and more than 42 foreign countries, and

WHEREAS, Stetson University is an NCAA Division I member of the Atlantic Sun Conference, and the talented "Hatters" compete on the intercollegiate level in 15 varsity sports, and

WHEREAS, among other Florida firsts, Stetson established the first college-level Model United States Senate program, a prototype for the nation; was awarded the first private university Phi Beta Kappa chapter; and was the home of Florida's first School of Business Administration, School of Music, and College of Law, and

WHEREAS, Stetson's College of Law is one of the first in the nation to share space with a working court and is ranked first in the nation for trial advocacy, and

WHEREAS, Stetson University's duPont-Ball Library is home to Florida's first federal document depository, established in 1887, and

WHEREAS, through the Center for International Education, Stetson University last year welcomed students from 42 countries to its campus and offers study-abroad programs at eight foreign centers, and

WHEREAS, 76 percent of Stetson University's undergraduates are residents of the State of Florida, and

WHEREAS, Stetson University's administration, faculty, students, and graduates, including many legislators, have made innumerable contributions to the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 16, 2005, is recognized as Stetson University Day.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to H. Douglas Lee, President of Stetson University, as a tangible token of the sentiments of the Florida Senate.

—**SR 1754** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 1818—A resolution recognizing March 10, 2005, as "APPRENTICESHIP Day" and honoring the APPRENTICESHIP Program for contributing to a growing and prosperous Florida economy.

WHEREAS, the APPRENTICESHIP method of on-the-job training and related classroom instruction is found worldwide and has consistently been proven to be an effective efficient, and economical way to pass on trade and craft skills and knowledge needed by the builders of a country's economy, and

WHEREAS, since being incorporated into state law 57 years ago, Florida's APPRENTICESHIP Program has successfully taught multiple tens of thousands of students critical, industry-identified skills and knowledge necessary for apprentices to take their places as sought-after, skilled craftpersons, a diversification that helps keep our economy growing by being built upon enduring strengths, and

WHEREAS, those students who complete the APPRENTICESHIP Program consistently earn higher salaries than students earning college degrees through the baccalaureate level, and

WHEREAS, research shows that Florida's apprentices seldom require public assistance and are likely to remain in the high-skill, high-wage fields in which they received their training, and

WHEREAS, Florida's current APPRENTICESHIP Program trains 113,253 apprentices in 293 programs throughout the state, ranking Florida in the top 10 percent nationally in the number of apprentices served, and

WHEREAS, the registered apprenticeship system guarantees the availability of a quality workforce, trained to the exacting standards of Florida's trades, while at the same time improving the training standards of business and industry, and

WHEREAS, Florida's APPRENTICESHIP Program welcomes all apprentices 16 years of age and older without regard to gender or ethnicity, helping Florida's economy to flourish and maintain a competitive edge nationally and internationally through its diversified workforce, and

WHEREAS, it is commonly known that the effectiveness and uniqueness of Florida's registered APPRENTICESHIP Program is, in part, due to the unique cooperation and strong partnerships forged among the business and industry sectors, apprenticeship program sponsors, the educational community, and dedicated students who are highly motivated to learn, and

WHEREAS, registered APPRENTICESHIP Programs are an essential part of our educational system and such programs are a critical component in the development and delivery of high-caliber and skilled craftspeople needed to continue the growth that has been Florida's hallmark, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 10, 2005, is recognized by the Florida Senate as APPRENTICESHIP Day in the state.

—**SR 1818** was introduced, read and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Constantine—

SB 908—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirement for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

—was read the second time by title.

The Committee on Environmental Preservation recommended the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (730310)(with title amendment)—On page 1, between lines 27 and 28, insert:

Section 1. Subsection (1) of section 369.318, Florida Statutes, is amended to read:

369.318 Studies.—

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment

standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of Community Affairs. ~~no later than December 1, 2004. Based on the December 2004 report, The Department of Environmental Protection may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled "A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area," dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee's final report dated March 16, 2004 shall, if appropriate, by March 1, 2005, initiate rulemaking to achieve nitrogen reductions protective of surface and groundwater quality or recommend any additional statutory authority needed to implement the report recommendations.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after "Act," insert: amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations;

Pursuant to Rule 4.19, **SB 908** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 724—A bill to be entitled An act relating to affordable housing for the elderly; amending s. 420.5087, F.S.; increasing the cap on certain loan amounts available to sponsors of housing for the elderly; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 724** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 512** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peadar—

CS for CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney's fees, court costs, compensation for loss of income, and other

expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (844260)—On page 4, line 7, after "person" insert: *who is not engaged in an unlawful activity and*

Amendment 2 (591424)—On page 6, line 5, delete "described" and insert: *permitted*

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 3 (494914)—On page 4, lines 7-13, delete those lines

Pursuant to Rule 4.19, **CS for CS for SB 436** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 532—A bill to be entitled An act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.045, F.S.; authorizing certain court orders to include additional reasonable amounts for certain attorney's fees, suit money, and costs related to certain proceedings; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 532** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 730—A bill to be entitled An act relating to the prohibition on prostitution; amending s. 796.07, F.S.; redefining the term "lewdness" to mean an indecent or obscene act done in the presence of any person, including a law enforcement officer; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (103590)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(1) As used in this section:

(b) "Lewdness" means any indecent or obscene act *that may cause substantial offense to one or more persons viewing it or may otherwise*

substantially intrude upon the rights of others. A lewd act may be offensive to, or may intrude upon the rights of, a person who is a law enforcement officer. Lewdness is to be determined based on what a reasonable member of the public might find substantially offensive.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to lewdness; amending s. 796.07, F.S.; redefining the term "lewdness" for purposes of provisions that prohibit and provide penalties for prostitution, lewdness, or assignation; providing an effective date.

Pursuant to Rule 4.19, **SB 730** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 52—A bill to be entitled An act relating to commercial motor vehicles; creating s. 316.570, F.S.; providing definitions; requiring a minimum amount of insurance coverage for persons engaged in retrofitting, rebuilding, or modifying commercial trucks, truck tractors, or heavy trucks into dump trucks; providing safety standards; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Geller and adopted:

Amendment 1 (184166)—On page 2, lines 11-18, delete those lines and insert: (4) *Any person who violates subsection (2) or subsection (3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates subsection (2) or subsection (3) a second time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates subsection (2) or subsection (3) a third or subsequent time commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Pursuant to Rule 4.19, **SB 52** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 310—A bill to be entitled An act relating to bingo games; amending s. 849.0931, F.S.; authorizing the use of electronics or other technology in lieu of vocal verification for bingo games; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (864526)(with title amendment)—On page 1, between lines 27 and 28, insert:

Section 2. Paragraph (b) of subsection (1) and subsection (2) of section 849.0935, Florida Statutes, are amended to read:

849.0935 Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—

(1) As used in this section, the term:

(b) "Organization" means an organization which is exempt from federal income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19), or a chamber of commerce pursuant to 26 U.S.C. s. 501(c)(6), and which has a current determination letter from the Internal Revenue Service, and its bona fide members or officers.

(2) The provisions of s. 849.09 shall not be construed to prohibit an organization qualified under 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19), or a chamber of commerce pursuant to 26 U.S.C. s. 501(c)(6), from conducting drawings by chance pursuant to the authority granted by this section, provided the organization has complied with all applicable provisions of chapter 496.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, following the semicolon (;) insert: amending s. 849.0935, F.S.; revising the definition of "organization" to include chambers of commerce; exempting chambers of commerce from provisions prohibiting drawings by chance;

Pursuant to Rule 4.19, **SB 310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 1368—A bill to be entitled An act relating to disclaimer of property interests; creating the Florida Uniform Disclaimer of Property Interests Act; creating s. 739.101, F.S.; providing a short title; creating s. 739.102, F.S.; defining terms; creating s. 739.103, F.S.; providing the scope of the act; creating s. 739.104, F.S.; prescribing general provisions relating to persons' powers to disclaim an interest in or power over property; creating s. 739.201, F.S.; prescribing rules applicable to a disclaimer of an interest in property; creating s. 739.202, F.S.; prescribing rules applicable to a disclaimer of rights of survivorship in jointly held property; creating s. 739.203, F.S.; prescribing rules applicable to a disclaimer of interests in property held as tenancy by the entirety; creating s. 739.204, F.S.; prescribing the effect of a disclaimer of interest by a trustee; creating s. 739.205, F.S.; prescribing rules with respect to a disclaimer of the power of appointment or other power not held in a fiduciary capacity; creating s. 739.206, F.S.; prescribing rules with respect to a disclaimer by the appointee, object, or taker in default of the exercise of power of appointment; creating s. 739.207, F.S.; prescribing rules with respect to the disclaimer of power held in a fiduciary capacity; creating s. 739.301, F.S.; providing guidelines for delivering or filing a disclaimer; creating s. 739.401, F.S.; providing when a disclaimer is permitted; creating s. 739.402, F.S.; providing when a disclaimer is barred or limited; creating s. 739.501, F.S.; prescribing the effect of a tax-qualified disclaimer; creating s. 739.601, F.S.; providing for recording a disclaimer relating to real estate; creating s. 739.701, F.S.; prescribing the application to existing relationships; amending s. 731.201, F.S.; providing applicability of certain definitions to the act; repealing s. 689.21, F.S., relating to disclaimer of interests in property passing under certain nontestamentary instruments or under certain powers of appointment; repealing s. 732.801, F.S., relating to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (634900)(with title amendment)—On page 21, between lines 10 and 11, insert: Section 3. Paragraph (b) of subsection (8) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(8) DESIGNATION OF BENEFICIARIES.—

(b) A designated beneficiary of a retirement account for whom there is a monetary interest may disclaim his or her monetary interest as provided in *chapter 739 s. 689.21*, and in accordance with division rules governing such disclaimers. Such disclaimer must be filed within 24

months after the event that created the interest, that is, the death of the member or annuitant.

Section 4. Subsection (1) of section 710.121, Florida Statutes, is amended to read:

710.121 Renunciation, resignation, death, or removal of custodian; designation of successor custodian.—

(1) A person nominated under s. 710.104 or designated under s. 710.111 as custodian may decline to serve by delivering a valid disclaimer under *chapter 739* ~~s. 689.21~~ to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under s. 710.104, the person who made the nomination may nominate a substitute custodian under s. 710.104; otherwise, the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under s. 710.111(1). The custodian so designated has the rights of a successor custodian.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending ss. 121.091 and 710.121, F.S., to conform;

Pursuant to Rule 4.19, **CS for SB 1368** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

Senator Margolis introduced former Senator and Congresswoman Karen Thurman who was present in the chamber.

MOTIONS

On motion by Senator Carlton, provisions of Rule 2.39 were waived for the purpose of considering the proposed appropriations bill, implementing bill and conforming bills by the Committee on Ways and Means at the meeting scheduled for Thursday, March 31; the amendment deadline for the appropriations bill, implementing bill and conforming bills was set for 3:00 p.m. on Tuesday, March 29; and the amendment deadline for amendments to amendments and substitute amendments was set for 12:00 noon on Wednesday, March 30.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SJR 4, SJR 6, SJR 1210, SB 1332, SJR 1362, SB 1488, SB 1490, SB 1856, SB 1858** and **CS for SJR 2200** were withdrawn from the Committee on Rules and Calendar; **SB 1174** was withdrawn from the Committee on Ways and Means; **SB 1146** was withdrawn from the Committees on Government Efficiency Appropriations; and Ways and Means; and **SB 356** and **SB 470** were withdrawn from the Committee on Health and Human Services Appropriations.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 22, 2005: **SB 908, SB 724, CS for SB 512, CS for CS for SB 436, SB 532, CS for SB 1012, SB 730, SB 52, SB 310, CS for SB 1368**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Communications and Public Utilities recommends the following pass: **CS for SB 1244**

The bill was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Education recommends the following pass: **SB 612 with 1 amendment**

The Committee on Environmental Preservation recommends the following pass: **SB 494 with 1 amendment**

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Environmental Preservation recommends the following pass: **SB 1612**

The bill was referred to the Committee on Domestic Security under the original reference.

The Committee on Children and Families recommends the following pass: **SB 752**

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: **SB 592, SB 2074 with 2 amendments, SB 2186**

The bills were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Environmental Preservation recommends the following pass: **SB 1730**

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Environmental Preservation recommends the following pass: **SB 1620, SB 1774 with 1 amendment**

The bills were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends the following pass: **SB 1028**

The Committee on Community Affairs recommends the following pass: **CS for SB 620**

The Committee on Transportation recommends the following pass: **SB 102**

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: **SB 1618, SB 1852**

The bills were referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends the following pass: **SB 1262 with 1 amendment**

The Committee on Transportation recommends the following pass: **SB 1632**

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends the following pass: SB 1550

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children and Families recommends the following pass: CS for SB 510

The Committee on Community Affairs recommends the following pass: SB 772, CS for SB 1130

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 1542

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 1464

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Siplin—

SB 2280—A bill to be entitled An act relating to student assessment instruments; amending s. 1008.23, F.S.; authorizing a student's parent and the student to review the questions and the student's answers to questions on the criterion-referenced portion of the Florida Comprehensive Assessment Test; providing restrictions on the review; requiring the Department of Education to honor requests within a certain time period; requiring that district school boards notify eligible parents; requiring the State Board of Education to adopt rules; authorizing reasonable attorney's fees and costs under certain circumstances; amending s. 1003.433, F.S.; revising requirements for receipt of a standard high school diploma for certain transfer students; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Baker—

SB 2282—A bill to be entitled An act relating to beach access and use; providing legislative findings and intent; requiring the Attorney General to take all steps necessary to protect and defend the public right of beach access and use; prohibiting persons from creating an obstruction that denies public access to or use of the beach; prohibiting persons from erecting a sign, barrier, or other structure intending to restrict public access to or use of the beach; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and Judiciary.

By Senator Bennett—

SB 2284—A bill to be entitled An act relating to Small Cities Community Development Block Grants; amending s. 290.0411, F.S.; stating legislative intent regarding the Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; removing requirement that the Department of Community Affairs provide recommendations to

the Legislature as to distribution of federal funds relating to Small Cities Community Development Block Grant Program Fund; authorizing the department to set aside federal funds for a local government for disaster relief; removing provisions limiting a set-aside to certain federal funds; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Bennett—

SB 2286—A bill to be entitled An act relating to local government permit applications; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Governmental Oversight and Productivity.

By Senator Bennett—

SB 2288—A bill to be entitled An act relating to public marina facilities and boat ramps; amending s. 403.814, F.S.; authorizing the Department of Environmental Protection to allow such facilities or ramps to be constructed and maintained by local governments; providing guidelines and limitations relating to such projects; providing for fees; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; General Government Appropriations; and Ways and Means.

By Senator Bennett—

SB 2290—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for tangible personal property sold to a contractor employed directly by or as an agent of the United States Government or state or local government when such property will become part of a public K-12 school owned by the governmental entity, if specified conditions are met; providing duties of such governmental entities, contractors, and sellers with respect to documentation and recordkeeping; providing for application of penalties; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Ways and Means.

By Senator Bennett—

SB 2292—A bill to be entitled An act relating to model comprehensive residential services for foster children; amending s. 409.1679, F.S.; providing that a child may be moved from one residence to another for certain specified reasons; requiring that a child be given the opportunity for a full academic year of appropriate instruction; requiring that an educational assessment be completed if a child is not demonstrating academic progress; requiring an educational staffing to review the results of the assessment; requiring that a clear and specific plan be developed to help the child make educational progress; providing specified satisfaction levels for certain services; providing an effective date.

—was referred to the Committees on Children and Families; Education; and Education Appropriations.

By Senator Bennett—

SB 2294—A bill to be entitled n act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; revising criteria for

rates for coverage provided by the corporation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Bennett—

SB 2296—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; redefining the term “practice of the profession of pharmacy” to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; providing requirements for the certification program; providing an effective date.

—was referred to the Committees on Health Care; and Banking and Insurance.

By Senator Constantine—

SB 2298—A bill to be entitled An act relating to the Joint Legislative Committee on Everglades Oversight; repealing s. 11.80, F.S., relating to the Joint Legislative Committee on Everglades Oversight, which was created for the purpose of monitoring implementation of the Everglades Forever Act; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Rules and Calendar.

By Senator Bennett—

SB 2300—A bill to be entitled An act relating to community redevelopment; amending s. 163.335, F.S.; revising legislative findings relating to eminent domain power; amending s. 163.340, F.S.; redefining the term “blighted area”; defining the term “economic distress”; amending s. 163.360, F.S.; revising provisions relating to land in a community redevelopment area which may not be acquired unless it meets certain criteria; prohibiting the compulsory acquisition of certain property before the approval of a redevelopment plan; amending s. 163.370, F.S.; conforming provisions relating to the acquisition of property before adoption of a redevelopment plan; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Government Efficiency Appropriations.

By Senator Bennett—

SB 2302—A bill to be entitled An act relating to local government land development requirements; creating s. 163.3219, F.S.; providing legislative findings, declarations, and intent relating to local government impact fees; requiring impact fees to be based upon certain available data; requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges, or payments; providing criteria; specifying a time period before collecting an impact fee or fee increase; prohibiting application of an impact fee to certain building permits; requiring local governments to report certain impact fee information to the Auditor General; limiting imposition of administrative fees; requiring refund of an impact fee under certain circumstances; providing criteria for payment of impact fees; authorizing a local government to establish a schedule of payments; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Government Efficiency Appropriations.

By Senator Geller—

SB 2304—A bill to be entitled An act relating to stem cell research; creating a stem cell research program; requiring the program to conform to certain ethical standards; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senator Geller—

SB 2306—A bill to be entitled An act relating to a prescription drug reimportation program; providing legislative findings; providing definitions; authorizing the Agency for Health Care Administration to enter into an agreement with the state of Illinois regarding its program for accessing affordable prescription drugs in other countries; requiring the agency to maintain a web site; requiring the agency to work with other states that are participating in the program; creating a joint work group for administration of the program; authorizing the state of Illinois to act as primary administrator for the program; providing for standards of practice; providing for modification of the agreement; providing for the state of Illinois to provide notice to the agency regarding the addition of another state to the program; authorizing the state of Illinois and the agency to conduct inspections of network pharmacies; providing that only prescription drugs that are approved by the state of Illinois may be filled by the network pharmacies; providing for the agency and the state of Illinois to coordinate media and outreach efforts; requiring the pharmacy benefits manager to pay acquisition fees to the program for certain purposes; providing that the agency is entitled to a certain amount of the acquisition fees; authorizing the state of Illinois or the agency to withdraw from the agreement; providing that the state of Illinois or the agency is not liable for acts or omission of acts arising from the agreement; creating a working group to develop promotional tools related to the program; providing duties of the working group; providing that the agency is not liable for any injury or damage to a person from products obtained through the program; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Crist—

SB 2308—A bill to be entitled An act relating to health care advance directives; amending s. 765.101, F.S.; providing and revising definitions; amending s. 765.302, F.S.; providing that any competent adult may make a living will or written declaration that provides life-prolonging procedures in the event such person has a medically futile condition; amending s. 765.303, F.S.; revising medical conditions included in a suggested form of a living will; amending s. 765.304, F.S.; revising procedures for acting in accordance with a living will; amending s. 765.305, F.S.; revising procedures relating to an incompetent patient's right to forego treatment in the absence of a living will; creating s. 765.3051, F.S.; specifying persons who may execute a health care advance directive on behalf of a patient who is less than 18 years of age and has a specified medical condition; creating s. 765.3052, F.S.; providing that certain pregnant patients may not have life-sustaining treatment withdrawn or withheld; amending s. 765.306, F.S.; revising guidelines for determining a patient's condition; creating s. 765.3061, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop and implement a voluntary program for driver's license or identification card notation of a health care advance directive; providing for noting an individual's health care advance directive relative to life-prolonging procedures on the individual's driver's license or identification card upon request; providing that an individual is not required to provide a copy of a health care advance directive to have a notation on his or her driver's license or identification card; requiring the Division of Driver Licenses offices to make forms available to the public; requiring the Department of Highway Safety and Motor Vehicles and the Agency for Health Care Administration to make sample forms accessible electronically on the Internet; creating s. 765.3064, F.S.; providing certain health care employees with civil and criminal immunity from acts performed in conjunction with certain information indicated by the department; expressing the sovereign immunity of the department and its employees from

criminal prosecution and civil liability for certain acts; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Smith—

SB 2310—A bill to be entitled An act relating to the death penalty; repealing Rule 3.203, Florida Rules of Criminal Procedure, relating to imposition of the death penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senators Smith, Fasano and Bullard—

SB 2312—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending provisions relating to the exemption for machinery and equipment used to increase productive output; eliminating a limitation on the exemption for spaceport activities and manufacturing facilities and an exemption for machinery and equipment used in printing facilities; providing an exemption from the entire amount of the tax for machinery and equipment used under federal procurement contracts; repealing s. 212.0805, F.S., relating to qualifying for the exemption and credit for machinery and equipment purchased for use in phosphate or other solid-minerals severance, mining, or processing operations; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Senator Crist—

SB 2314—A bill to be entitled An act relating to justice for crime victims; creating s. 943.0315, F.S.; creating the Commission on Justice for Crime Victims within the Department of Law Enforcement; providing membership; requiring the commission to review the needs of persons who are the victims of crime in this state; requiring the commission to review and comment on certain specified issues; requiring the commission to hold public hearings each year; requiring the commission to prepare a report and to deliver the report to the Governor and the Legislature by a specified date each year; providing that members of the commission are entitled to reimbursement for travel and per diem; authorizing the commission to employ an executive director and other staff; requiring the commission to expire on a certain date; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Crist—

SB 2316—A bill to be entitled An act relating to medical screening of children; amending s. 39.407, F.S.; revising provisions relating to medical screenings performed on children who are removed from the home and maintained in an out-of-home placement; specifying certain conditions that the screening must cover; prohibiting the Department of Children and Family Services from administering or authorizing psychiatric or psychological tests or psychotropic medications for a child in departmental custody except with the written and informed consent of the child's parent or legal guardian or by court order; requiring the department to ensure that children who are in departmental custody receive appropriate psychotropic medications but have options for alternative treatments; providing for rulemaking; providing that the department may not provide consent for administering psychotropic medications to a child for whom the department is the legal custodian; amending s. 39.601, F.S., relating to case plan requirements; providing that case plans may not require parents to give their children psychotropic medications; prohibiting the department from threatening to terminate parental rights based solely on the parents' refusal to give their child psychotropic medications; amending s. 39.703, F.S.; prohibiting the department from initiating proceedings to terminate parental rights based

solely on the parents' refusal to give their child psychotropic medications; amending s. 39.806, F.S.; providing that the refusal of parents to give their child psychotropic medications may not be considered grounds for termination of parental rights; providing that the parents' refusal to give their child psychotropic medications may not be considered abuse or neglect; amending s. 984.19, F.S.; revising provisions relating to medical screenings performed on children who are placed in shelter care; specifying certain conditions that the screening must cover; prohibiting the Department of Juvenile Justice from administering or authorizing psychiatric or psychological tests or psychotropic medications for a child in departmental custody except with the written and informed consent of the child's parent or legal guardian or by court order; requiring the department to ensure that children who are in departmental custody receive appropriate psychotropic medications but have options for alternative treatments; providing for rulemaking; providing that the department may not provide consent for administering psychotropic medications to a child for whom the department is the legal custodian; amending s. 985.224, F.S.; revising provisions relating to medical screenings performed on children who are taken into detention; specifying certain conditions that the screening must cover; prohibiting the Department of Juvenile Justice from administering or authorizing psychiatric or psychological tests or psychotropic medications for a child in departmental custody except with the written and informed consent of the child's parent or legal guardian or by court order; requiring the Department of Juvenile Justice to ensure that children who are in departmental custody receive appropriate psychotropic medications but have options for alternative treatments; providing for rulemaking; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Argenziano—

SB 2318—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; repealing s. 288.1175, F.S., relating to state funding for agriculture education and promotion facilities; providing an effective date.

—was referred to the Committees on Agriculture; and General Government Appropriations.

By Senator Siplin—

SB 2320—A bill to be entitled An act relating to community reinvestment plans; providing definitions; authorizing a business to develop and implement a community reinvestment plan for tax-credit purposes; providing certain requirements for a community reinvestment plan; providing a tax credit for a business that meets the requirements of its community reinvestment plan; providing for the carryover of credit; providing for the duties of the Financial Services Commission; requiring the commission to adopt rules, in consultation with the Department of Community Affairs and the Florida Housing Finance Corporation, regarding community reinvestment plans; authorizing a business to list its community reinvestment plan on its website; requiring the Financial Service Commission, the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development, and the Florida Housing Finance Corporation to prepare a strategic plan relating to access to financial capital in certain areas of the state; providing requirements for the strategic plan; requiring the commission to create and maintain an Internet site to include certain public information on financial matters; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Alexander—

SB 2322—A bill to be entitled An act relating to restoration of water quality; amending s. 403.067, F.S.; authorizing the Department of Environmental Protection to allocate the total maximum daily pollutant load

between as well as among pollutant sources; providing for the allocation to attain pollutant reductions rather than water quality standards; authorizing a preliminary allocation of pollutant loads; revising factors the department must consider when allocating pollutant loads; eliminating a requirement that the department submit a report regarding the allocation of total maximum daily load; authorizing a phased calculation or allocation of pollutant loads pending availability of data; deleting provisions regarding watershed or basin management planning; providing for development of a basin management action plan by the department or the department and a water management district; providing for the contents of the basin plan; requiring the basin plan to allocate pollutant reduction requirements to various basins or sources; authorizing the plan to provide credits for prior pollutant reductions; requiring the basin plan to identify mechanisms to address future pollutant sources; retaining provisions regarding participation by stakeholders in the plan development process and a required public meeting; authorizing a basin plan that is adopted by rule to alter a prior calculation or allocation of total maximum daily pollutant load by the department; requiring the department to adopt a basin plan that does not alter such a prior calculation or allocation by order; requiring periodic evaluation of an adopted basin plan and providing for adoption of plan revisions; requiring the department to revise basin plans in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; authorizing the department's use of additional strategies, including an adopted basin plan, to implement pollutant load reductions; providing definitions; requiring incorporation of provisions of an adopted basin plan in certain NPDES permits issued by the department; prohibiting the department from requiring a pollution reduction in the NPDES permits in addition to the incorporated plan provisions; providing that the basin management plan does not relieve a pollutant discharger of certain NPDES permitting requirements; requiring a discharger that is subject to NPDES permitting to complete strategies in the basin plan pursuant to the schedule in the plan; providing for the term of the schedule; exempting certain requirements from the basin plan which are included in a NPDES permit from challenge under ch. 120, F.S.; requiring various regulatory programs to implement actions in an adopted basin plan to reduce pollution from nonagricultural sources that are subject to NPDES permitting; requiring implementation of best-management practices to reduce certain pollution by a discharger of nonpoint pollution that is not subject to NPDES permitting when the basin plan was adopted; exempting such a discharger from the requirement to implement best-management practices upon a certain showing; denying such a discharger who fails to make such a showing eligibility for a presumption of compliance with water quality standards and release of liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; limiting the authority of the department and the water management districts to pursue remedies or penalties when such eligibility is denied; prohibiting a permit or other enforcement action that would require a person who is implementing pollutant reduction strategies in an adopted basin plan to implement additional pollutant reduction strategies; creating a presumption that such person is in compliance with provisions regarding development of total maximum daily load calculations; authorizing the department and the water management districts to develop, or to adopt rules specifying, interim measures, best-management practices, or other measures to achieve the reductions of nonagricultural, nonpoint pollution established by various additional management strategies, including a basin plan or the department's calculation of total maximum daily load; requiring a nonagricultural discharger of nonpoint pollution to implement the best-management practices or other measures that are adopted by rule; removing a requirement that the department and the districts assist with implementation; requiring the department to verify the effectiveness of the best-management practices or other measures adopted by rule; deleting a provision that implementation of a measure or practice that the department has verified as effective creates a presumption of compliance with water quality standards and a release of liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; deleting a provision requiring a department or district rule adopting best-management practices or other measures to include requirements to assure implementation; deleting a requirement that the department or districts institute a reevaluation if water quality problems are detected despite implementation of a practice or measure adopted by a rule; authorizing the Department of Agriculture and Consumer Services to adopt rules specifying interim measures, best-management practices, or other measures to achieve the reductions of

agricultural pollutant sources established by various additional management strategies, including a basin plan or the department's calculation of total maximum daily load; applying provisions relating to development and implementation of the additional measures or practices; deleting a provision requiring verification of effectiveness of the practices or measures adopted by rule; deleting a provision that implementation of a measure or practice that the department has verified as effective creates a presumption of compliance with water quality standards and a release of liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; deleting a provision requiring reevaluation by the Department of Agriculture and Consumer Services when water quality problems are detected despite implementation of a practice or measure adopted by a rule; requiring the Department of Environmental Protection to verify the effectiveness of an interim measure, best-management practice, or other measure that is adopted by rule by the department, the water management districts, or the Department of Agriculture and Consumer Services; providing for verification of effectiveness through an initial assessment and an assessment by monitoring at representative sites; requiring the department to, where applicable, notify the Department of Agriculture and Consumer Services or a water management district prior to adoption of a rule proposal that includes a best-management practice or other measure, if the department's initial assessment cannot verify the effectiveness of the practice or measure; providing that implementation of a measure or practice that the department has verified as effective creates a presumption of compliance with water quality standards and a release from liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; requiring the department, or, in consultation with the department, a water management district, or the Department of Agriculture and Consumer Services to institute a reevaluation of a best-management practice or other measure that is adopted by rule if water quality problems are detected or predicted; requiring revisions to rules of the department, the water management districts, or the Department of Agriculture and Consumer Services, as appropriate, when a practice or measure requires modification; providing for implementation of the modified practice; conforming a reference to retain the authority of the department and the water management districts to require compliance with water quality standards or best-management practice requirements; conforming references that foreclose application of provisions that conflict with department rules that maintain a federally delegated or approved program; authorizing rule-making by the department to implement the basin management action plan program, to implement basin plans through permitting programs of the department or the districts, and to implement various other specific provisions; deleting a requirement for legislative ratification of a water pollutant trading rule of the department; conforming provisions relating to the voluntary implementation of interim measures, best-management practices, and other measures to reduce pollutants in waters where a total maximum daily load has not been calculated or allocated; requiring the department to submit a report to the Governor and the Legislature before adopting rules regarding pollutant trading among water pollution sources; amending ss. 373.4595 and 570.085, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Environmental Preservation; Agriculture; and General Government Appropriations.

By Senator Constantine—

SB 2324—A bill to be entitled An act relating to telecommunications; expressing the legislative intent to revise laws relating to telecommunications; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 2326—A bill to be entitled An act relating to telecommunications; expressing the legislative intent to revise laws relating to telecommunications; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Siplin—

SB 2328—A bill to be entitled An act relating to private schools; amending s. 1002.42, F.S.; providing that earning passing scores on the Florida Comprehensive Assessment Test (FCAT) or, in specified circumstances, on an equivalent standardized test is a prerequisite to receiving a high school diploma from a private school in this state; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Alexander—

SB 2330—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; providing for health care clinics to post signs with information about a reward program for information leading to conviction of certain offenses; providing for inspections of such clinics by employees of the Division of Insurance Fraud; amending s. 440.105, F.S.; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; amending s. 624.15, F.S.; providing criminal penalties for violations of emergency rules or orders of the Department of Financial Services; amending s. 624.155, F.S.; revising provisions that authorize a civil cause of action for violations of the requirement for a certificate of authority to act as an insurer; amending s. 626.112, F.S.; providing criminal penalties for transacting insurance or engaging in insurance activities without a license; amending s. 626.901, F.S.; stating that independently procured coverage constitutes an exception to the prohibition on representing an unauthorized entity only when transacted outside the state; amending s. 626.938, F.S.; providing that independently procured coverage must be accomplished outside the state, must be procured through an unauthorized insurer licensed in some other state or country, and is not available for life, health, or workers' compensation insurance; amending s. 626.989, F.S.; allowing insurers, agents, and other licensees, their employees, and self-insured entities contracting or associated with the National Insurance Crime Bureau to report fraudulent insurance acts; authorizing adoption of rules for reporting suspected fraudulent activity; amending s. 817.234, F.S.; providing that it is insurance fraud for a service provider to agree or intend to waive deductibles; providing criminal penalties for scheming to create documentation of a nonexistent motor vehicle accident; amending s. 817.2361, F.S.; providing criminal penalties for creating, marketing, or presenting any false or fraudulent proof of motor vehicle insurance; amending s. 817.50, F.S.; providing that giving false or fictitious information to a health care provider is not prima facie evidence of intent to defraud when done by a law enforcement officer during an investigation; amending s. 817.505, F.S.; providing criminal penalties for soliciting or receiving compensation or receiving a split-fee arrangement for acceptance or acknowledgement of treatment from a health care provider or health care facility; redefining the term "health care provider or health care facility"; amending s. 843.08, F.S.; providing criminal penalties for falsely personating an officer of the Department of Financial Services; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Criminal Justice; General Government Appropriations; and Justice Appropriations.

By Senator Bennett—

SB 2332—A bill to be entitled An act relating to fraud; amending s. 775.0844, F.S.; redefining "white collar crime" to include Medicaid pro-

vider fraud; providing a minimum mandatory term of imprisonment for committing an aggravated white collar crime involving Medicaid provider fraud; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming provisions to changes made by the act; creating s. 501.161, F.S.; prohibiting the sale or rental of, or the offer to sell or rent, essential equipment, commodities, or accommodation, as defined, during a declared state of emergency for 110 percent or more of its average price for the 30 days immediately preceding the declaration of emergency; providing an exception; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce and Consumer Services; Health Care; and Justice Appropriations.

By Senator Siplin—

SB 2334—A bill to be entitled An act relating to substance abuse treatment programs; amending s. 397.754, F.S.; requiring the Department of Corrections to assess the needs of all inmates for substance abuse services; requiring the department to provide inmates with individualized services; requiring the department to provide training to all employees providing substance abuse treatment services to inmates; amending s. 775.16, F.S.; requiring a person under the supervision of the department to participate in and complete a substance abuse treatment and rehabilitation program in order to be eligible for employment by any agency of the state or to apply for a license, permit, or certificate required by any agency of the state to practice an occupation, trade, profession, or business; amending s. 944.473, F.S.; requiring each inmate who meets the criteria to participate in a substance abuse treatment program; providing that an inmate has a right to receive substance abuse services from the department; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Bennett—

SB 2336—A bill to be entitled An act relating to tax benefits related to catastrophic emergencies; amending s. 212.055, F.S.; defining the term "public facilities" to include certain private facilities used as public shelters or staging areas for emergency-response equipment during emergencies declared by the state or local government; including such facilities as infrastructure that may be financed through the local government infrastructure surtax; amending s. 212.03, F.S.; providing that the temporary rental or lease of residential quarters to individuals who have been displaced by a hurricane or other catastrophic disaster is not subject to the transient rentals tax under this section; providing for refunds of sales tax paid on temporary rentals by individuals who were displaced by a hurricane during 2004; providing for rulemaking by the Department of Revenue; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Alexander—

SB 2338—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.311, F.S.; providing standards for administration of the motor vehicle insurance risk apportionment program; prescribing duties of the program's board of governors and the Office of Insurance Regulation; providing circumstances in which new carriers will be added to the program and in which the board of governors will be replaced; providing composition of the board; requiring actuarial certification of loss reserves; providing for certain costs to be included in rate filings; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Argenziano—

SB 2340—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6110, F.S.; revising agency insurance requirements and limiting such requirements to security agencies; amending s. 493.6113, F.S.; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6202, F.S.; requiring the department to establish by rule certain fees relating to private investigative services; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; and General Government Appropriations.

By Senator Alexander—

SB 2342—A bill to be entitled An act relating to mobile home and recreational vehicle safety and sales; transferring all powers, duties, responsibilities, functions, personnel, property, and appropriations of the Bureau of Mobile Home and Recreational Vehicle Construction in the Department of Highway Safety and Motor Vehicles to the Department of Community Affairs; authorizing the Department of Community Affairs and the Department of Highway Safety and Motor Vehicles to enter into agreements to effectuate such transfers; transferring the mobile home portion of the Mobile Home and Recreational Vehicle Protection Trust Fund administered by the Department of Highway Safety and Motor Vehicles into the Operating Trust Fund of the Department of Community Affairs; providing definitions; requiring dealers in second-hand mobile homes to apply for a certificate of title with the Department of Highway Safety and Motor Vehicles; requiring nonresident mobile home dealers to apply for a certificate of title, register with the Department of Revenue, and pay a license tax; specifying the license term; providing for distributing the tax proceeds; providing for service of process on nonresident mobile home dealers; prohibiting engaging in business as a mobile home dealer without a license from the Department of Community Affairs; providing definitions; providing for application and renewal of a mobile home dealer license; authorizing the Department of Community Affairs to prescribe an application form; providing for processing of an applicant's fingerprints by the Department of Law Enforcement and payment of associated costs; authorizing issuance of a revocable mobile home dealer license; authorizing investigation of an applicant; prohibiting issuance of a mobile home dealer license under certain conditions; establishing and providing for payment and deposit of application and renewal fees; providing for denial of a license application, including notice and hearing regarding a denial; providing terms of a mobile home dealer license; providing for issuance of a license certificate; requiring the licensee to pay certain fees and costs; providing for distributing fees and costs paid by applicants and licensees; authorizing the Department of Community Affairs to set training requirements for mobile home dealers; requiring an applicant to verify compliance with training requirements; providing for issuance of a supplemental license to a mobile home dealer licensee; providing for supplemental mobile home dealer licenses; requiring recordkeeping by a licensee; requiring that a licensee retain evidence of title of certain mobile homes; authorizing rulemaking by the Department of Community Affairs regarding licensing and mobile home installation; requiring that a licensee comply with criteria for installing mobile homes; requiring a mobile home dealer licensee to place a deposit in escrow; providing a criminal penalty; authorizing the Department of Community Affairs to seek judicial injunction of unauthorized action by a mobile home dealer; authorizing suspension, denial, or revocation of a mobile home dealer license; authorizing administrative fines against a licensee and providing for a hearing; requiring that an applicant for a mobile home dealer license provide a bond for the

benefit of certain retail customer claimants; specifying the amount, terms, and conditions of the bond; requiring notice to the surety company of license denial, suspension, or revocation; requiring a surety company to notify the Department of Community Affairs of payment of a claim against the bond or cancellation of the bond; authorizing the Department of Community Affairs to charge certain fees for mobile home dealer or manufacturer licensure; providing for use of such fees and other mobile home fees collected by the Department of Highway Safety and Motor Vehicles to compensate certain claimants; limiting use of such fees; providing for application for such compensation; authorizing the Department of Community Affairs to require documentation of a claim; establishing procedures and terms for claim processing and payment; authorizing the Department of Community Affairs to seek recovery of claim payments rendered and reimbursement of attorney's fees to secure such recovery; requiring maintenance of a log of qualified claimants; specifying the order of payment of claims; providing criminal penalties for false or misleading statements; providing definitions; prohibiting engaging in business as a mobile home manufacturer without a license from the Department of Community Affairs; providing for license application and renewal; authorizing the Department of Community Affairs to prescribe application forms; establishing and providing for payment and deposit of license application and renewal fees; providing for service of process to a nonresident applicant; requiring a mobile home manufacturer to provide a bond or other financial assurance for the benefit of certain retail customers; requiring rulemaking by the Department of Community Affairs regarding assurance of satisfaction of claims; requiring notice to the surety company of license denial, suspension, or revocation; requiring a surety company to notify the Department of Community Affairs of payment of a claim against, or cancellation of, a licensee's bond; establishing the license term; authorizing denial of an application for a mobile home manufacturer's license; authorizing revocation, suspension, or reinstatement of a mobile home manufacturer's license; authorizing civil penalties; requiring certain mobile homes to meet federal and state construction and safety standards; authorizing the Department of Community Affairs to adopt certain mobile home construction and safety standards; establishing criteria for the mobile home repair and remodeling code; authorizing administration, enforcement, and rulemaking by the Department of Community Affairs; authorizing entry into a mobile home manufacturing establishment to ascertain compliance with the act; prohibiting certain alterations to mobile homes by a licensed dealer; shifting warranty responsibility to a mobile home dealer who performs prohibited alternations; authorizing a manufacturer to recover from the dealer when warranty responsibility shifts; providing that a warranty is void if a mobile home owner undertakes certain alterations; requiring notice that the warranty will be voided; providing for designation or certification of a person authorized to perform mobile home alterations; authorizing rulemaking by the Department of Community Affairs regarding authorized and unauthorized alternation of mobile homes, including certification fees; requiring the Department of Community Affairs to determine the adequacy of local standards authorizing a person to alter mobile homes; providing criteria for the department's determination; requiring a license from the Department of Community Affairs to install a mobile home; providing application and license fees for mobile home installers; requiring annual license renewal; authorizing the Department of Community Affairs to adopt rules establishing an application fee for mobile home installers; establishing licensing criteria for mobile home installers; requiring a performance bond, insurance, training, and passage of an exam approved by the Department of Community Affairs; authorizing the department to charge an examination fee to mobile home installers; authorizing recourse by a licensed dealer or manufacturer against a mobile home installer's performance bond; authorizing actions by an employee of a licensed mobile home installer; establishing supervisory responsibility of a licensed installer; prohibiting an unlicensed person from claiming licensure as a mobile home installer; providing a criminal penalty; prohibiting certain activities by a licensee or a license applicant; authorizing imposition of penalties by the Department of Community Affairs, including fines and license denial, suspension, or revocation; providing for state preemption of mobile home installer regulation; authorizing a local occupational license fee; providing for an installation decal; requiring a licensee to maintain a log; prohibiting certain activities by installers; providing for the use of fees received by the department; prohibiting the manufacture of mobile home installation items that are not certified by the Department of Community Affairs; providing for department certification of mobile home installation items; providing for suspension or revocation of certification; delaying application of the certification requirement; requiring new mobile home construction to be inspected by the Department of Community Affairs; requiring the department to

develop inspection procedures; authorizing rulemaking by the department regarding mobile home inspection; authorizing unannounced visits to mobile home manufacturing plants; requiring mobile home manufacturers and dealers to pay an inspection fee; authorizing inspections; requiring the department to determine inspection and label fees; providing for use of fees; prohibiting the sale of a new mobile home by a dealer without a label from the Department of Community Affairs and a certification of code compliance by the manufacturer; establishing a presumption that a mobile home having a label complies with local construction law; prohibiting the alteration of a mobile home having a label; providing for issuance of labels by the department; providing for certification by a manufacturer; prohibiting the manufacture of a mobile home without a label and certification; authorizing the department to prescribe the manner of label display; requiring counties and municipalities to inspect the installation of mobile homes; authorizing the Department of Community Affairs to designate an installation inspector when a county or municipality does not; requiring that only competent inspectors be designated; providing for issuance of a permit for the installation of mobile homes by a county or municipality; providing for issuance of a certificate of occupancy for an inspected mobile home; providing for inspection fees; authorizing the department to issue a guideline for the fee schedule; requiring enforcement by the department; prescribing regulatory authority of county and municipal governments over mobile homes; providing a civil penalty for a violation of the National Mobile Home Construction and Safety Standards Act; providing a criminal penalty for certain violations of that federal act; providing a criminal penalty for a manufacturer, dealer, or inspector for certain violations; preserving the validity of ch. 527, F.S., relating to liquefied petroleum gas; authorizing the Department of Community Affairs to establish uniform standards by rule for mobile home installation and for the manufacture of items used in the installation of mobile homes; providing requirements for installation; prohibiting alteration of the uniform standards set by the department by other entities; requiring a mobile home owner to comply with the installation rules; limiting the mobile homes for which a licensed insurer may issue windstorm damage insurance; prohibiting denial of insurance coverage in certain circumstances involving damage to an improperly installed mobile home; authorizing a civil action by an aggrieved person against a person that fails to meet the uniform standards; providing for costs, damages, and injunctive relief; authorizing the department or the state attorneys to pursue injunctive relief, without a bond and regardless of the adequacy of other remedies, against a person that fails to meet uniform standards; limiting application to certain mobile home installations; providing definitions; providing for retention, disposal, and reproduction of records by the Department of Community Affairs; providing for treatment of reproductions as originals in determining admissibility of evidence; requiring a person who engages in the trade of selling mobile homes to make disclosures to a buyer or in an advertisement regarding the manner used to determine the length of a mobile home; providing legislative intent relating to mobile homes; providing for warranties required of a new mobile home dealer, installer, or component supplier; authorizing the Department of Community Affairs to establish rules regarding resolution of disputes among the mobile home manufacturer, dealer, installer, or component supplier; providing for presentation of and response to a warranty claim; authorizing the transfer of responsibility to remedy a mobile home defect covered by warranty among mobile home manufacturers, dealers, or suppliers; requiring the warrantor to compensate certain persons who remedy a defect covered by a warranty; prohibiting coercion to secure performance of warranty service; authorizing a civil action to enforce a warranty claim; authorizing award of damages, including punitive damages, and costs, including attorney's fees; prohibiting the waiver of rights conferred by a warranty; providing that the warranty is in addition to and not in derogation of other applicable rights; providing for liquidated damages due to the retail seller of a mobile home when the buyer fails to accept delivery; providing for inspection of records of a licensed mobile home manufacturer or dealer by the Department of Community Affairs relating to a written complaint against the licensee; authorizing the department to compel production of documents and, through subpoena, attendance of witnesses relating to the disposition of a written complaint against a licensed manufacturer or dealer; providing for denial, suspension, or revocation of a license or an application for a license; providing for a licensee's responsibility for actions of its employees; providing requirements regarding maintenance of electronic records regarding licensees by the Department of Community Affairs; authorizing the Department of Community Affairs to accept an application by electronic or telephonic means; amending s. 20.18, F.S.; providing a mission statement for the Department of Community Affairs with respect to the regulation of mobile homes; amending ss. 205.193, 319.001, 320.131,

320.27, 320.28, and 320.71, F.S.; conforming provisions to changes made by the act; repealing s. 320.77, F.S., relating to mobile home dealer licenses; amending ss. 320.771, 320.781, 320.822, and 320.8225, F.S., conforming provisions to changes made by the act; repealing s. 320.823, F.S., relating to mobile home construction and safety standards; amending ss. 320.8232, 320.824, and 320.8245, F.S.; conforming provisions to changes made by the act; repealing s. 320.8249, F.S., relating to mobile home installation licensure; repealing s. 320.8251, F.S., relating to mobile home installation products; repealing s. 320.8255, F.S., relating to mobile home inspection; repealing s. 320.827, relating to mobile home labeling and certification; amending s. 320.8285, F.S.; conforming provisions to changes made by the act; repealing s. 320.830, relating to reciprocity with other states that have mobile home laws; amending ss. 320.831 and 320.8325, F.S.; conforming provisions to changes made by the act; repealing s. 320.8335, F.S., relating to disclosure of the manner used in determining the length of mobile homes; repealing s. 320.834, F.S.; relating to legislative intent; amending s. 320.835, F.S.; conforming provisions to changes made by the act; repealing s. 320.840, F.S., relating to liquidated damages when a mobile home buyer refuses to accept delivery of a mobile home; amending ss. 320.865, 553.415, 627.351, and 1013.37, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Haridopolos—

SB 2344—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for meetings of the Board of Funeral, Cemetery, and Consumer Services conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public-meetings exemption for probable-cause-panel meetings of the board; creating a public-records exemption for records relating to the scheduling of inspections and special examinations; creating a public-records exemption for records relating to investigations or examinations in process; creating a public-records exemption for trade-secret information of licensees and applicants; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Haridopolos—

SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.;

revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to preclearance examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising application procedures for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application procedures for licensure as a monument establishment; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerary facility licensure and application for licensure and regulation of cinerary facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; amending s. 163.3187, F.S.; prohibiting a local government from approving an amendment to its adopted comprehensive plan which allows a funeral establishment, cremation facility, or other noncemetery facility to be located on cemetery lands; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; and General Government Appropriations.

By Senators Haridopolos, Wise, Peaden, Argenziano, Lynn, Fasano, Dockery, Sebesta, Baker, Bennett, Constantine, Atwater, Campbell, Saunders, Posey, Webster, Diaz de la Portilla, King, Alexander and Jones—

SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; amending s. 199.202, F.S.; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing for the future repeal of ss. 199.012, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., which provide for annual taxes on intangible personal property; amending ss. 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 196.1993, 199.023, 199.183, 199.303, 201.23, 212.02, 213.053, 213.054, 213.27, 215.555, 220.1845, 288.039, 288.1045, 288.106, 376.30781, 493.6102, 516.031, 627.311, 627.351, 650.05, 655.071, 733.702, and 766.105, F.S., conforming provisions; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Banking and Insurance; Community Affairs; and Ways and Means.

By Senator Aronberg—

SB 2350—A bill to be entitled An act relating to domestic violence; amending s. 741.28, F.S.; correcting a cross-reference; amending s. 741.283, F.S.; requiring a court to sentence a person to serve a minimum of 5 days in the county jail if the person is adjudicated guilty of the crime of domestic violence and deprives a family or household member of communications services; creating s. 741.311, F.S.; defining the term “communication services”; prohibiting a person from depriving a family or household member of the use of communication services in the course of committing domestic violence; providing an enhanced penalty if a person is adjudicated guilty of a crime in the course of committing domestic violence, and during the time the crime was committed, deprived a family or household member of the use of communication services; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Peaden—

SB 2352—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of “listed precursor chemical” to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of “listed essential chemical” to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s.

893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the display of products containing ephedrine or related compounds; providing an exemption from liability for a general owner or operator of an outlet where a sale of products containing ephedrine or related compounds exceeding the specified amount took place if specified employee training was provided; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing for exemption of products from certain provisions if they receive a certain certification; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Justice Appropriations.

By Senator Lawson—

SB 2354—A bill to be entitled An act relating to disposition of state land and facilities in the Florida Capitol Center; creating s. 272.1231, F.S.; authorizing the Department of Management Services to determine that certain property in the Capitol Center is not needed for certain purposes; requiring the Division of State Lands of the Department of Environmental Protection to notify certain entities of such determination; authorizing such entities to apply for transfer of or enter into negotiations for such property; providing application requirements; authorizing the division to transfer such property or negotiate for the sale of such property at below appraised value under certain circumstances; requiring a joint agreement between certain entities prior to transfer or sale of such lands or facilities; providing for transfer approval by the Board of Trustees of the Internal Improvement Trust Fund; providing application; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Environmental Preservation; General Government Appropriations; and Ways and Means.

By Senator Lawson—

SB 2356—A bill to be entitled An act relating to procurement of personal property and services; creating s. 287.019, F.S.; defining "privatization"; requiring the head of a state agency, prior to the purchase, lease, or acquisition of commodities or contractual services by privatization, to conduct a business case evaluation of the proposed privatization; providing elements and components of the evaluation; requiring the head of a state agency, subsequent to the purchase, lease, or acquisition of commodities or contractual services by privatization, to conduct an evaluation of the privatization; providing evaluation criteria; requiring state agencies to establish a system for monitoring the performance of a privatization contractor and for monitoring the contractor's compliance with the terms and conditions of the privatization contract; requiring state agencies to conduct annual evaluations of the performance of privatization contractors and report their findings to the Legislature, the Office of Program Policy Analysis and Government Accountability, and the Auditor General; requiring the Office of Program Policy Analysis and Government Accountability and the Auditor General to periodically examine any privatization in order to assist the Legislature in evaluating whether expected savings and outcomes have been achieved through privatization; creating s. 14.204, F.S.; creating the Center for Efficient Government; providing purposes of the center; providing for an oversight advisory board to oversee the activities of the center; providing for membership of the board; creating s. 110.1095, F.S.; requiring executive agencies to address the transition of employees affected by outsourcing initiatives; requiring agencies to develop job placement policies for such employees; requiring agencies to develop a reemployment and retraining assistance plan for employees; authorizing agencies to provide job skills retraining to any impacted employee who is not offered comparable employment within 1 year of separating from state employment; requiring agencies to coordinate the impact and transition of affected employees with the Agency for Workforce Innovation; requiring the coordination of services for state employees with Workforce Florida, Inc., and regional workforce boards throughout the state; requiring agencies to offer critical employee retention salary increases; authorizing agencies to use a percentage of the savings realized from an implemented outsourcing initiative as an employee recognition allocation to reward the employee or group of employees who proposed the initiative; requiring agencies to consider incorporating severance compensation provisions into outsourcing contracts; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Constantine—

SB 2358—A bill to be entitled An act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; requiring the corporation's board of governors to offer insureds the option of paying premiums semiannually or quarterly; providing for a processing fee for such payments; requiring the plan and fee to be approved by the Office of Insurance Regulation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Geller—

SB 2360—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senators Smith and Fasano—

SB 2362—A bill to be entitled An act relating to research and development costs; amending s. 212.052, F.S.; defining the term “machinery and equipment”; deleting a limitation on an exemption from the tax on sales, use, and other transactions for property used in research or development; providing an exemption for machinery and equipment used predominantly for research and development activities; allowing a business that has been certified to receive the exemption to designate one or more state universities or community colleges as recipients of part or all of the amount of the exemption under certain conditions; providing that the business retains the rights to patents, royalties, or real or intellectual property unless an agreement specifies otherwise; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Government Efficiency Appropriations; and Ways and Means.

By Senator Fasano—

SB 2364—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting the requirement for the Agency for Health Care Administration to develop a plan to integrate a plan for frail elderly persons into a diversion pilot program; deleting the agency’s requirement to integrate two separate Medicaid waiver programs into one waiver program; deleting the requirement to seek federal waivers for these waiver programs; requiring the agency and the Department of Elderly Affairs to reimburse providers and develop standards for case management within a certain Medicaid waiver program; authorizing the coordinating of certain medical services to be included in the capitated rate for case management services; deleting the agency’s requirements to implement interagency agreements; providing reimbursement for an elderly lead agency on a prepaid or fixed-sum basis for certain services under a particular diversion pilot project; clarifying that the lead agency be reimbursed for all services by the third year of operation; revising the basis under which the agency is required to develop reimbursement rates; deleting the method of rate of payment for custodial nursing home placement beyond the first 3 years; deleting the department’s requirements to study and develop a plan for the integration of certain database systems and submit the plan to the Legislature; amending s. 430.7031, F.S.; deleting the requirement for certain program staff to annually review a certain number of case files to find certain nursing home residents who are eligible for possible community placement; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Argenziano—

SB 2366—A bill to be entitled An act relating to students with disabilities; amending s. 1003.43, F.S.; providing additional options through which a student with disabilities may receive a waiver from passing the grade 10 FCAT for purposes of high school graduation; amending s. 1008.22, F.S.; conforming provisions relating to statewide student assessment; amending s. 1008.25, F.S.; providing an additional good cause exemption from mandatory third grade retention; providing an effective date.

—was referred to the Committee on Education.

By Senator Argenziano—

SB 2368—A bill to be entitled An act relating to springs protection; creating part IV of ch. 369, F.S.; providing legislative intent; providing definitions; providing for delineation of the springshed and protection zone of certain springs by the Department of Environmental Protection with the cooperation of the water management districts; establishing criteria and schedule; providing for inclusion of certain springs whose water quality is impaired in the total maximum daily loads program implemented by the department; providing for criteria to determine the impairment of springs; requiring the department, in conjunction with

water management districts, to develop and implement a basin management plan relating to protection of the springshed; providing for allocation of a portion of the nonagricultural, nonpoint pollutant load calculated under the program to certain local governments; requiring a local government having jurisdiction over the springshed or protection zones of certain high-magnitude springs to review its comprehensive plan and prepare a report for consideration by its governing body; providing for amendment of such comprehensive plan if necessary to meet certain criteria relating to springs protection; providing for guidance by the department, the Department of Community Affairs, the Department of Health, and the water management districts; providing for the prohibition or restriction of certain activities within the primary protection zone of a spring; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senator Smith—

SB 2370—A bill to be entitled An act relating to all-terrain vehicles; creating s. 261.20, F.S.; providing safety and equipment requirements for the operation of ATVs on public lands; restricting the operation by children of certain ages; requiring safety training; requiring the Department of Agriculture and Consumer Services to implement a safety training program; providing instructor qualifications; providing equipment and safe-operating requirements; prohibiting certain acts; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Agriculture; General Government Appropriations; and Rules and Calendar.

By Senator Peadar—

SB 2372—A bill to be entitled An act relating to clinical perfusionists; creating ss. 458.3476 and 459.025, F.S.; providing definitions; requiring a supervising physician to be qualified in the medical area in which the clinical perfusionist performs; prescribing duties of a clinical perfusionist; requiring a clinical perfusionist to convey that he or she is a clinical perfusionist to a patient; authorizing a clinical perfusionist to perform medical tasks and services within a certain protocol; prohibiting a clinical perfusionist from prescribing, ordering, compounding, or dispensing certain drugs or a medical device; providing that a clinical perfusionist may administer certain drugs, fluids, and blood products under the supervision of a physician; exempting a trainee from requirements of a clinical perfusionist; requiring board approval of training programs for clinical perfusionists; providing licensure requirements; providing provisional licensing requirements; providing for a temporary license as a clinical perfusionist; authorizing the Board of Medicine and the Board of Osteopathic Medicine to impose a penalty against a clinical perfusionist found guilty of or investigated for violating ch. 456, ch. 458, or ch. 459, F.S.; authorizing the chair of each board to appoint certain persons to advise the board regarding rules for the licensure of clinical perfusionists; providing duties of each board; providing a penalty for any person who falsely holds himself or herself out as a clinical perfusionist; providing for the denial, suspension, or revocation of a license; requiring each board to adopt rules; requiring the Department of Health to allocate fees collected to each board; amending s. 456.048, F.S.; specifying financial responsibility requirements for clinical perfusionists; amending ss. 458.331 and 459.015, F.S.; providing that the failure to adequately supervise the activities of a clinical perfusionist is grounds for denial of a medical doctor’s or osteopathic physician’s license or disciplinary action; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

By Senator Peadar—

SB 2374—A bill to be entitled An act relating to enterprise zones; amending s. 290.00698, F.S.; authorizing Okaloosa County and the City of Crestview to apply to the Office of Tourism, Trade, and Economic

Development to amend the boundaries of the enterprise zone in Okaloosa County; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 2376—A bill to be entitled An act relating to the Cancer Research and Treatment Trust Fund; creating s. 381.926, F.S.; creating the Cancer Research and Treatment Trust Fund within the Department of Health; providing a revenue source for the fund; requiring that moneys in the trust fund be used for the disbursement of grants by the Florida Cancer Council for certain purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senators Fasano, Smith, King, Rich and Dockery—

SB 2378—A bill to be entitled An act relating to cancer research and treatment; providing a short title; providing legislative intent; amending s. 210.01, F.S.; providing a definition; amending s. 210.20, F.S.; deleting an obsolete provision directing deposit and payment of cigarette tax funds; providing for the deposit of a portion of cigarette tax funds into the Cancer Research and Treatment Trust Fund for certain uses by the Florida Cancer Council; specifying such uses; specifying a minimum appropriation; creating s. 212.202, F.S.; requiring the council to use cigarette tax collection distributions for certain purposes; requiring Governor and Cabinet approval for capital construction projects; amending s. 381.921, F.S.; authorizing the council to award grants; providing preference criteria; creating ss. 381.922, 381.923, 381.924, and 381.925, F.S.; specifying allocations of certain funds in the Cancer Research and Treatment Trust Fund; requiring Governor and Cabinet approval for capital construction projects; requiring executed contracts for council grants; providing contract requirements; requiring an extraordinary vote for contract amendment approval; requiring the council to work with the Office of Tourism, Trade, and Economic Development to determine economic benefits of grants; requiring a report; specifying report requirements; specifying a time period for council award of grants; providing for reversion of undisbursed funds; requiring the Office of Program Policy and Government Accountability to conduct certain reviews and report to the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Wise—

SB 2380—A bill to be entitled An act relating to certification of professional staff; requiring the Department of Juvenile Justice to establish a workgroup to study the certification of professional staff working for a provider of juvenile justice services; providing for membership; requiring the workgroup to consider the feasibility of implementing and operating a certification system for professional staff; requiring the workgroup to consider, at a minimum, certain specified issues; directing the workgroup to recommend a process for testing and validating the effectiveness of the recommended professional staff development system; requiring the workgroup to prepare a report of its deliberations and recommendations and to submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By Senator Smith—

SB 2382—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements for personal identifying information concerning current or former guardians ad litem and their spouses and children; providing a procedure for requesting an agency that is the custodian of the personal information and that is not the employer of the guardian ad litem to maintain the confidentiality of the information; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Peadar—

SB 2384—A bill to be entitled An act relating to the Florida Health Insurance Plan; amending s. 627.64872, F.S.; redefining the term “health insurance” for purposes of determining assessments under the plan; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Peadar—

SB 2386—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; authorizing the release of otherwise confidential information concerning child abuse or neglect to authorized agents and providers of the agency; amending s. 39.502, F.S.; requiring that a person identified as having a mental illness or disability be informed by the court of agency services; amending s. 383.14, F.S.; providing for a representative of the agency to sit on the Genetics and Newborn Screening Advisory Council rather than a representative from the Department of Children and Family Services; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent with respect to providing services for the developmentally disabled; amending s. 393.063, F.S.; revising definitions to conform to changes made by the act; defining the term “principles of self-determination”; amending s. 393.064, F.S.; requiring that the agency provide additional evaluations and assessments; revising requirements for intervention services and support services; amending s. 393.0641, F.S.; defining the term “severe self-injurious behavior” for purposes of prevention and treatment services that are provided by the agency; amending s. 393.065, F.S.; revising requirements for the agency in determining eligibility for certain services; authorizing the agency to adopt rules; amending s. 393.0651, F.S.; revising requirements for the family or individual support plan; amending s. 393.0655, F.S., relating to the screening of service providers; authorizing the agency to take additional remedial action; requiring that the agency adopt rules for conducting background screening; amending s. 393.0657, F.S.; clarifying provisions governing the rescreening of human resource personnel; amending s. 393.066, F.S., relating to community-based services; authorizing the agency to adopt rules governing the purchase of services; amending s. 393.067, F.S.; requiring the agency to adopt rules governing the licensure of residential facilities and comprehensive transitional education programs; providing that a licenseholder does not have a property right to that license; revising the requirements for background screening of license applicants; revising the requirements for the comprehensive emergency management plans of homes serving individuals having complex medical conditions; amending s. 393.0673, F.S.; clarifying provisions governing administrative fines; amending s. 393.0674, F.S.; providing a penalty for noncompliance with requirements for background screening; amending s. 393.0675, F.S.; clarifying provisions authorizing the agency to seek an injunction under certain circumstances; amending s. 393.0678, F.S.; revising provisions governing receivership proceedings; amending s. 393.068, F.S.; including the principles of self-determination within the skills emphasized in a family care program; amending s. 393.0695, F.S.; requiring that the agency reassess in-home subsidies quarterly; amending s. 393.075, F.S., relating to liability coverage; conforming terminology to changes made by the act; amending s. 393.11, F.S.; requiring certain assessments for the involuntary commitment of a person with retardation or autism; revising the procedures for

the agency with respect to such commitment; requiring that a hearing be held in the county in which the petition is filed; revising the standards for determining the issue of competency; amending s. 393.122, F.S., relating to continued residential services; conforming a cross-reference; amending s. 393.125, F.S.; clarifying the agency's rulemaking duties with respect to service providers; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are Developmentally Disabled; revising legislative intent; requiring that intermediate care facilities comply with requirements that clients be afforded certain rights and opportunities; amending s. 393.135, F.S., relating to prohibitions against sexual misconduct by employees; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 393.15, F.S.; revising provisions governing the Community Resources Development Trust Fund to establish the Community Resources Development Loan Program; providing eligibility requirements for a loan; requiring that the agency deposit funds received from enforcement of a lien into the agency's Administrative Trust Fund and be used to fund the program; creating s. 393.18, F.S.; creating the comprehensive transitional education program within the agency as a transitional program for services for persons exhibiting maladaptive behaviors; providing requirements for the services and the staff for such programs; requiring an individual education plan for each person served; limiting the number of residents which may be served by such a program; amending s. 393.501, F.S., relating to the agency's rulemaking authority; removing obsolete provisions governing ICF/MR facilities; amending s. 393.506, F.S.; revising requirements governing the administration of medication; amending s. 397.405, F.S., relating to exemptions from licensure; conforming a cross-reference; amending s. 400.419, F.S.; requiring that the annual list of facilities that are sanctioned or fined by the Agency for Health Care Administration be provided to the Agency for Persons with Disabilities; repealing s. 400.960(1), (6), (7), and (11), F.S.; removing obsolete definitions applicable to intermediate care facilities for developmentally disabled persons; amending s. 400.464, F.S., relating to home health agencies; conforming a cross-reference; amending s. 400.967, F.S., relating to rules; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 402.20, F.S.; providing requirements for county contracts for services and mental health facilities; amending s. 402.22, F.S., relating to education programs for students who reside in residential care facilities; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 408.036, F.S.; exempting the beds in certain developmental disabilities institutions from certificate-of-need review; amending ss. 409.908 and 409.9127, F.S., relating to Medicaid providers and conflicts of interest; conforming a cross-reference and terminology; amending ss. 411.224 and 411.232, F.S., relating to family support plans and the Children's Early Investment Program; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 415.102, F.S.; redefining the term "neglect" for purposes of the Adult Protective Services Act to include actions against oneself by a vulnerable adult; amending s. 415.1035, F.S.; providing duties of the agency with respect to the rights of residents of a facility serving vulnerable adults; amending s. 415.1051, F.S.; requiring that certain intervention actions be taken on behalf of a vulnerable adult in need of services; amending ss. 415.1055 and 415.107, F.S.; providing duties of the agency with respect to reports of abuse, neglect, or exploitation and the confidentiality of records; amending s. 419.001, F.S., relating to community residential homes; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 435.03, F.S.; providing screening requirements for employees and employers of developmental disabilities institutions; amending s. 944.602, F.S.; requiring that the Department of Corrections notify the agency before releasing a mentally retarded inmate; amending ss. 945.025 and 947.185, F.S., relating to services for mentally retarded inmates and parolees; specifying duties of the agency; amending ss. 984.19, 984.225, and 984.226, F.S., relating to medical screening of children in need of services; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 985.224, F.S.; requiring that the agency conduct certain assessments of a child who is alleged to be delinquent; amending s. 1003.58, F.S.; providing duties of the Department of Education with respect to children in residential care facilities of the agency; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the Economic Self-Sufficiency Services Program; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Senator Constantine—

SB 2388—A bill to be entitled An act relating to education in grades pre-K through 12; amending s. 1003.455, F.S.; requiring that health-related fitness assessments be periodically administered to students; requiring that the fitness-assessment scores be reported to various persons and to the Department of Education; providing requirements for the training of physical education instructors; requiring that school districts have coordinators for physical education and health; providing for recognition awards; requiring that school districts establish wellness policies as federally mandated; requiring the department during school year 2005-2006 to coordinate regional meetings relating to physical education programs; requiring certain public high schools to have a defibrillator on school grounds; providing an effective date.

—was referred to the Committees on Education; Health Care; and Education Appropriations.

By Senator Campbell—

SB 2390—A bill to be entitled An act relating to nursing home facilities; amending s. 400.021, F.S.; defining additional terms related to nursing home facilities; amending s. 400.023, F.S.; requiring a resident or the resident's legal representative to include a certificate of compliance when a complaint alleging a violation of a resident's rights is filed with the clerk of court; amending s. 400.0233, F.S.; requiring that the presuit notice of a claim against a nursing home facility be given to each prospective defendant; requiring that certain specified information be included with the notice; providing that a defendant may request voluntary binding arbitration; authorizing the parties to toll designated time periods in order to mediate issues of liability and damages; amending s. 400.0234, F.S.; specifying that failing to provide certain records waives certain requirements; creating s. 400.02342, F.S.; providing that any party may elect to participate in voluntary binding arbitration; providing procedures to initiate and conduct a voluntary binding arbitration; requiring that a claimant agree to a damage award; providing exceptions and limitations; authorizing the Division of Administrative Hearings to adopt rules; authorizing the division to levy specified sanctions; authorizing the division to charge a party requesting binding arbitration an administrative fee; permitting the parties to use private arbitrators; creating s. 400.02343, F.S.; requiring multiple defendants to a binding arbitration proceeding to apportion a damage award through a second arbitration proceeding; providing arbitration procedures for apportioning damage awards; providing that a participant has a cause of action for contribution from other defendants; creating s. 400.02344, F.S.; providing consequences for a claimant or defendant that fails to offer or rejects an offer to participate in binding arbitration; prescribing limitations if a party wishes to proceed to trial; creating s. 400.02345, F.S.; providing procedures for determining if a specific claim is subject to binding arbitration; creating s. 400.02347, F.S.; requiring a defendant to pay a damage award within a specified time period; creating s. 400.02348, F.S.; providing for an appeal of an arbitration or apportionment award; providing that an appeal does not stay an arbitration or apportionment proceeding to enforce an arbitration award or an apportionment of financial responsibility; providing enforcement procedures; providing exceptions; amending s. 400.141, F.S.; requiring a nursing home facility to maintain general and professional liability insurance with specified insurance carriers; providing alternative methods to establish financial responsibility for claims filed against the nursing home; directing that the amount of financial responsibility be increased by the annual rate of inflation; providing exceptions; amending s. 400.151, F.S.; providing criteria for a resident's contract which include arbitration or dispute-resolution provisions; requiring prominent notice of arbitration provisions; requiring notice of which claims are subject to arbitration; amending s. 409.907, F.S.; prohibiting the Agency for Health Care Administration from renewing a Medicaid provider agreement with a chronically poor-performing nursing home facility after a specified date; providing that a chronically poor-performing nursing home facility may not participate in voluntary binding arbitration after a specified date; amending s. 409.908, F.S.; deleting obsolete provisions; requiring the agency to recognize increases in the costs of professional liability insurance by providing a pass-through of professional liability insurance in a specified amount; authorizing the agency to impose an assessment fee for quality assurance; amending s. 400.147, F.S.; conforming a cross-reference; reenacting s. 430.80(3)(h), F.S., relating to a teaching nursing home pilot

project, to incorporate the amendment made to s. 400.141, F.S., in a reference thereto; requiring that arbitration limits be adjusted annually for inflation; providing legislative intent that the Agency for Health Care Administration not renew a Medicaid provider agreement with a nursing home facility that has a pattern of harming its residents; directing the agency to consult with certain specified private organizations to identify and improve poor-performing nursing homes; requiring the agency to prepare a report of the Medicaid Up-or-Out Program; providing legislative intent that a study be conducted by the Institute on Aging at the University of South Florida of all federal and state enforcement sanctions and remedies available to the agency to use with nursing home facilities; providing the subjects to be studied; requiring that a report of the findings of the study be submitted by a specified date; requiring the Agency for Health Care Administration to establish a health care quality improvement system for nursing home facilities; providing guidelines; requiring each nursing home facility to pay an annual assessment on each licensed bed after a specified date; providing for the use of the funds collected; providing a method by which the assessment will be determined; providing for nonseverability; providing effective dates.

—was referred to the Committees on Health Care; Banking and Insurance; Judiciary; and Health and Human Services Appropriations.

By Senator Crist—

SB 2392—A bill to be entitled An act relating to the Florida Faith-Based Initiative; establishing the Florida Faith-Based Initiative; creating the Florida Families Faith-Based Institute and providing for administration by the University of South Florida; providing a definition; providing duties; prohibiting imposition of fees for certain purposes; requiring a report; providing for open records and meetings; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; and Education Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Environmental Preservation; and Senator Constantine—

CS for SB 1464—A bill to be entitled An act relating to renewable energy; amending s. 366.075, F.S.; authorizing the Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 1542—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling

of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 18 was corrected and approved.

CO-INTRODUCERS

Senators Baker—SB 1256; Bennett—SB 1116, SB 1324, SB 1734; Bullard—SB 724; Dawson—SB 2190; Diaz de la Portilla—SB 1116; Fasano—SB 1286; Garcia—SB 818; Lynn—CS for SB 366, SB 538, SB 1642, CS for SB 1650, CS for SB 1652; Villalobos—SB 1714, Wilson—SB 558

RECESS

On motion by Senator Pruitt, the Senate recessed at 10:44 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, March 23 or upon call of the President.

SENATE PAGES

March 21-25, 2005

Skyler Ansel, Hollywood; Amy Atwater, North Palm Beach; John Atwater, North Palm Beach; Jordan Beard, Valrico; Casey Beaty, Plant City; Angela Benyon, Wellington; Christopher Bonk, Longwood; William “Will” Bristol, Tallahassee; Beth Brown, West Palm Beach; William “Will” Bruce, Tallahassee; Elizabeth “Liz” Gilbert, Boca Raton; Travis Gomillion; Land O’Lakes; Kyle R. Hanrahan, Lutz; Matthew Janes, Palm Beach Garden; Michele Jones, Miami; Lauren Klein, Boca Raton; Tyler Nedley, Tallahassee; Justin Newsome, Plant City; Steven Pruitt, Port St. Lucie; Katharine “Katie” Villalobos, Miami

BILL ACTION SUMMARY

TUESDAY, MARCH 22, 2005

S	52	Read second time
S	310	Read second time
S	436	Read second time
S	512	Read second time
S	532	Read second time
S	724	Read second time
S	730	Read second time
S	908	Read second time
S	1012	Read second time
S	1066	Read second time; Adopted
S	1368	Read second time
S	1588	Adopted
S	1754	Adopted
S	1818	Adopted
S	2654	Read second time; Adopted

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BP — Bill Passed
CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

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